

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 16-17979-elf
Denise Hewitt	:	Chapter 13
	:	Judge Eric L. Frank
Debtor(s)	:	*****
	:	
CF Residential 2013-1 Trust	:	Date and Time of Hearing
	:	Place of Hearing
vs	:	April 9, 2019 at 9:30 a.m.
	:	_____
Denise Hewitt	:	
Fredrick Hewitt	:	U.S. Bankruptcy Court
	:	900 Market Street, Courtroom #1
William C. Miller, Esq.	:	Philadelphia, PA, 19107
Respondents.		

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY
TO PERMIT CF RESIDENTIAL 2013-1 TRUST TO FORECLOSE ON 9347 EDMUND
STREET, PHILADELPHIA, PA 19114**

CF Residential 2013-1 Trust (the "Creditor") moves this Court, under Bankruptcy Code §§ 361, 362, 363, 1301, and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, or dissolving the automatic stay imposed by Bankruptcy Code § 362, and the Co-Debtor Stay imposed by Bankruptcy Code § 1301, and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. Denise Hewitt ("Debtor") filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on November 15, 2016, ("Petition").

5. Debtor is currently obligated to CF Residential 2013-1 Trust, under the terms of a certain Adjustable Rate Note, dated January 27, 2007, in the original principal amount of \$160,000.00 executed by Debtor (hereinafter "Note").

6. As security for repayment of the Note, Debtor and Fredrick Hewitt ("Co-Debtor") executed a certain Mortgage, dated of even date and of even amount, currently in favor of CF Residential 2013-1 Trust, with respect to certain real property owned by the Debtor and Co-Debtor located at 9347 Edmund Street, Philadelphia, PA 19114 (hereinafter "Mortgaged Premises") and being recorded in Philadelphia County Recordings Office at Instrument Number 51630242 on February 12, 2007 in the Office of the Recorder of Deeds in and for Philadelphia County, Pennsylvania ("Mortgage").

7. The Loan was modified per the terms of the Loan Modification Agreement and Balloon Loan Modification attached hereto as Exhibits A and B.

8. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

9. Debtor has failed to make post-petition mortgage payments for the past 25 months, as of February 18, 2019.

10. Due to said failure by Debtor and Co-Debtor to make payments when due, Creditor lacks adequate protection of its security interest in the Mortgaged Premises.

11. The total loan balance and the amount past due to CF Residential 2013-1 Trust in post-petition arrearages less suspense are \$219,454.24 and \$31,410.92, respectively, as of February 18, 2019.

12. The automatic stay of Section 362 of the Bankruptcy Code should be terminated with respect to the interest of CF Residential 2013-1 Trust in the Mortgaged Premises, pursuant to Section 362(d)(1).

13. The Co-Debtor Stay of Section 1301 of the Bankruptcy Code should be terminated with respect to the interest of CF Residential 2013-1 Trust in the Mortgaged Premises, pursuant to Section 1301(c).

WHEREFORE, CF Residential 2013-1 Trust respectfully requests this Honorable Court to enter an order terminating the Automatic Stay and Co-Debtor Stay as they affect the interest of CF Residential 2013-1 Trust in the Mortgaged Premises of the Debtor specifically identified in the Mortgage, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

Contact email is kvelter@manleydeas.com

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Respondents. **Philadelphia, PA, 19107**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay and Co-Debtor Stay to permit CF Residential 2013-1 Trust to foreclose on 9347 Edmund Street, Philadelphia, PA 19114 was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Esq., Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105

Brad J. Sadek, Attorney for Denise Hewitt, Sadek and Cooper, 1315 Walnut Street, Suite 502,
Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on March 14, 2019:

Denise Hewitt and Fredrick Hewitt, 9347 Edmund Street, Philadelphia, PA 19114

DATE: March 14, 2019

/s/ Karina Velter
Karina Velter, Esquire (94781)

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Attorneys for Creditor
The case attorney for this file is Karina
Velter.
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